

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

ORDER

06-CR-0550 (JS)

SANDRA HATFIELD and DAVID H. BROOKS,

Defendants.

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APPEARANCES

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SEYBERT, District Judge:

The Government seeks forfeiture of \$94,000 that DHB paid WGH Consulting, a company that Defendant Sandra Hatfield's husband owned. But the jury did not convict Ms. Hatfield of mail or wire fraud, the principal counts arising from these allegedly illegal payments. And, although the jury convicted Ms. Hatfield of conspiracy to commit mail and wire fraud, the parties did not request a special verdict. Thus, it is arguably speculative whether this conviction stemmed from the WGH Consulting payments.

The Government can obtain forfeiture of those payments if it shows, by a preponderance of the evidence, that these payments are fraudulent proceeds. But, based on the record before it, the Court cannot necessarily infer from the jury's

verdict that the Government has satisfied this burden. And the parties' briefs devoted little space to marshalling the evidence and law with respect to those payments.

Before ruling on forfeiture, the Court needs more information regarding this issue. Consequently, the Court hereby directs the Government and Ms. Hatfield to submit simultaneous supplemental briefing regarding those payments. This briefing should identify relevant evidence in the trial and forfeiture hearing record, along with presenting any legal argument that the party wishes. It should not exceed ten (10) pages. And the briefs should be submitted before 10 p.m. on June 6, 2011.

SO ORDERED.

 /s/
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
 May 31, 2011